

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by changing “and” to --and/or--, as supported in the specification at page 7, lines 25-26.

Claim 32 has been amended by replacing “a monomer (B)” with --an additional monomer (B)--.

No new matter is believed to have been added by the above amendment. Claims 1-32 remain pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held May 7, 2008, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office Action. The discussion is summarized and expanded upon below.

The rejection of Claims 1, 3-8, 11-27 and 32 under 35 U.S.C. § 102(e) as anticipated by U.S. 7,144,954 (Schmitt et al), is respectfully traversed.

An embodiment of the present invention, as recited in Claim 1, aside from the presence of compounds of formula (I) and/or formula (II), requires at least one asymmetric monomer (A) capable of free-radical polymerization with a molar mass of at least 150 g/mol, which contains at least two terminal olefinic groups, wherein at least two of the olefinic groups of the monomer (A) have, **in the  $\alpha$ - and/or  $\beta$ -position with respect to the olefinic group**, atoms which differ in nature and/or number, in the radical which connects the at least two olefinic groups. (Emphasis added.)

Schmitt et al, on the other hand, requires simply at least one ethylenically unsaturated monomer (A) which is different from compounds of formula (I) and (II) (column 12, lines 4-7). Among the monomers (A) disclosed as useful are di(meth)acrylates (column 12, line 64ff). Among the di(meth)acrylates exemplified are those wherein, as relied on by the Examiner, radical R<sup>1</sup> is independently at each instance hydrogen or a methyl radical (column 14, lines 1-2), which means that one terminal group is an acrylate group and the other terminal group is a methacrylate group. See also the additional disclosure of di(meth)acrylates (column 28, line 55ff). However, as Applicants' attorney pointed out during the above-referenced interview, R<sup>1</sup> is **not** attached at the  $\alpha$ - or  $\beta$ -position with respect to the olefinic group. Rather, R<sup>1</sup> is attached to an **olefinic** carbon. Thus, Schmitt et al neither

discloses nor suggests the above-excerpted limitation from Claim 1 that in the  $\alpha$ - and/or  $\beta$ -position with respect to the olefinic group, atoms differ in nature and/or number.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1, 3-8, 11-27 and 32 on the ground of non-statutory obviousness-type double patenting over Claims 1 and 8-23 of Schmitt et al, is respectfully traversed. The claims of Schmitt et al are no more pertinent than the above-discussed disclosure therein. Note furthermore that since this is an obviousness-type double patenting rejection, the Examiner's reliance on the disclosure at columns 13 and 14 of Schmitt et al is improper. Nevertheless, as noted by Applicants' attorney during the interview, such disclosure does not remedy the deficiencies in the claims.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejections of Claims 1-21 and 23-27 under 35 U.S.C. § 102(b) as anticipated by, and of Claim 22 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. 6,342,571 (Smith et al), are respectfully traversed.

The Examiner relies on Smith et al for the same erroneous reasons that he relied on in applying Schmitt et al, as discussed above. Thus, the Examiner points to the disclosure at column 23, lines 1-12 thereof. This disclosure is from Claim 19 therein, which recites radically polymerizable comonomer (e) having at least two (meth)acryloyl groups selected from a number of compounds, including one (i) having a formula wherein, *inter alia*,  $R_4$  and  $R_5$  are each hydrogen or methyl. However,  $R_4$  and  $R_5$  are on an olefinic carbon, not at an  $\alpha$ -position or  $\beta$ -position, as Applicants' attorney explained during the interview. As the monomer of this formula, and all the other monomers disclosed by Smith et al that contain two terminal olefinic groups, the constituents at the  $\alpha$ - and  $\beta$ -position are always identical for each olefinic group. Accordingly, it is respectfully requested that these rejections be withdrawn.

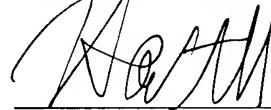
The rejection of Claim 32 under 35 U.S.C. § 112, second paragraph, as indefinite, is respectfully traversed. Claim 32, prior to the above-discussed amendment, recited “**a** monomer (B)” (emphasis added). Thus, since Claim 1 does not recite a monomer (B), it is clear that monomer (B) as recited in Claim 32 prior to amendment was an additional monomer, as Applicants’ attorney noted during the interview. Nevertheless, the issue is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

Applicants gratefully acknowledge the Examiner’s indication of allowability of Claims 2 and 28-31. Nevertheless, Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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